

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CARTELL COSTON,	§
	§ No. 92, 2012
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID No. 1104005263
	§
Plaintiff Below-	§
Appellee.	§

Submitted: June 21, 2012

Decided: July 31, 2012

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices

ORDER

This 31st day of July 2012, upon consideration of the appellant's brief pursuant to Supreme Court Rule 26(c), his attorney's motion to withdraw, and the State's response thereto, it appears to the Court that:

(1) The defendant-appellant, Cartell Coston, pleaded guilty to two counts of Reckless Endangering in the First Degree, two counts of Possession of a Firearm During the Commission of a Felony and one count of Resisting Arrest. On the first reckless endangering conviction, he was sentenced to 2 years and 6 months of Level V incarceration, to be suspended for 2 years and 6 months at Level IV, in turn to be suspended after 6 months for 2 years at Level III probation. On the second reckless endangering

conviction, he was sentenced to 5 years at Level V, to be suspended for 2 years at Level III probation. On each of the weapon convictions, he was sentenced to 3 years at Level V. On the resisting arrest conviction, he was sentenced to 2 years at Level V, to be suspended for 2 years at Level III. This is Coston's direct appeal.

(2) Coston's counsel on appeal has filed a brief and a motion to withdraw pursuant to Rule 26(c). Coston's counsel asserts that, based upon a complete and careful examination of the record and the law, there are no arguably appealable issues. By letter, Coston's attorney informed Coston of the provisions of Rule 26(c) and provided him with a copy of the motion to withdraw and the accompanying brief. Coston also was informed of his right to supplement his attorney's presentation. Coston has not raised any issues for this Court's consideration. The State has responded to the position taken by Coston's counsel and has moved to affirm the Superior Court's judgment.

(3) The standard and scope of review applicable to the consideration of a motion to withdraw and an accompanying brief pursuant to Rule 26(c) is twofold: a) the Court must be satisfied that defense counsel has made a conscientious examination of the record and the law for arguable claims; and b) the Court must conduct its own review of the record in order

to determine whether the appeal is so totally devoid of at least arguably appealable issues that it can be decided without an adversary presentation.¹

(4) This Court has reviewed the record carefully and has concluded that Coston's appeal is wholly without merit and devoid of any arguably appealable issue. We also are satisfied that Coston's counsel has made a conscientious effort to examine the record and the law and has properly determined that Coston could not raise a meritorious claim in this appeal.

NOW, THEREFORE, IT IS ORDERED that the State's motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED. The motion to withdraw is moot.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice

¹ *Penson v. Ohio*, 488 U.S. 75, 83 (1988); *McCoy v. Court of Appeals of Wisconsin*, 486 U.S. 429, 442 (1988); *Anders v. California*, 386 U.S. 738, 744 (1967).